

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DISTRICT**

**MICHAEL A. BRADY**

**Plaintiff,**

**V.**

**CASE NO.**

**HUMANA INSURANCE COMPANY AND  
BLUE CROSS BLUE SHIELD  
HEALTHCARE PLAN OF  
GEORGIA, INC.**

**Defendant.**

## NOTICE OF REMOVAL

Comes Now Defendant Blue Cross Blue Shield Healthcare Plan of Georgia, Inc. (hereinafter "BCBSHP"), by and through counsel, and gives notice of its removal of this case to this Court. In further support of its Notice of Removal, Defendant asserts as follows:

1. On February 14, 2014, Plaintiff filed a Civil Warrant in the General Sessions Court, Shelby County, Docket No. 1644087, against the above-named Defendant.

Pursuant to 28 U.S.C. §§ 1441-1451, Defendant BCBSHP hereby files this Notice of Removal, showing this Honorable Court as follows:

2. An action has been commenced against Defendant in the General Sessions Court of Shelby County, Tennessee, styled *Michael A. Brady v. Humana insurance Company and Blue Cross Blue Shield Healthcare Plan of Georgia, Inc.*; Civil Action No. 1644087. A true and correct copy of all process, pleadings, and orders on file with the Clerk of the General Sessions Court of Shelby County, specifically including copies of the Civil Warrant and Summons, is

attached hereto as **Exhibit A**. There were no motions pending in this matter in the General Sessions Court of Shelby County at the time of removal.

3. The Summons and Complaint have been served upon BCBSHP on February 24, 2014. This Notice therefore is timely under 28 U.S.C. § 1446(b).

4. Co-defendant Humana Insurance Company consents to removal.

5. The Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1331 because it is a civil action founded upon a claim or right arising under the laws of the United States. Specifically, Plaintiff's claims relate to an employee welfare benefit plan that is subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001, et seq. This action therefore may be removed to this Court pursuant to 28 U.S.C. § 1441(b).

6. A Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, will be mailed on this same date with the Clerk of the General Sessions Court of Shelby County, Tennessee, and served on counsel for Plaintiff. A true and correct copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit B**.

WHEREFORE, Defendant hereby petitions to remove this case from the General Sessions Court of Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee at Memphis.

Respectfully submitted, this 26<sup>th</sup> day of March, 2014.

Respectfully submitted,

**NELSON MULLINS RILEY &  
SCARBOROUGH, LLP**

**BY:** s/James P. Catalano  
**JAMES P. CATALANO**  
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Nashville, TN 37219  
(615) 664-5303

*Attorneys for Defendant Blue Cross Blue  
Shield Healthcare Plan of Georgia, Inc.*

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon all counsel of record for the parties at interest in this cause by electronic notification through the Court's CM/ECF System and/or U.S. Mail, postage prepaid to:

Ivan D. Harris, Jr.  
352 Poplar View Lane East  
Collierville, Tennessee 38017

Errol J. King, Jr.  
Baker Donelson  
Chase North Tower  
450 Laurel Street  
20<sup>th</sup> Floor  
Baton Rouge, LA 70801

This the 26<sup>th</sup> day of March, 2014.

s/James P. Catalano  
**JAMES P. CATALANO**